

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TRINITY BUI and TRINITY FINANCING
INVESTMENTS CORPORATION,

Plaintiffs,

- against -

INDUSTRIAL ENTERPRISES OF AMERICA, INC.,
BECKSTEAD AND WATTS, LLP,
JOHN MAZZUTO, JAMES MARGULIES,
DENNIS O'NEILL, and JORGE YEPES,

Defendants.
-----X

: 08 CV 0583 (VM)

: **MOTION TO DISMISS**

Pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b) and the Private Securities Litigation Reform Act of 1995 ("PSLRA"), 15 U.S.C. § 78u-4(b), Defendants Industrial Enterprises Of America, Inc., James Margulies, and Dennis O'Neill respectfully moves this Court to dismiss with prejudice the claims asserted against it in Plaintiffs' Complaint, filed January 23, 2008. This Motion is supported by the accompanying Memorandum of Law in Support of the Motion to Dismiss.

Dated: New York, New York
May 9, 2008

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